

---

---

# HOUSE BILL No. 1068

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-37.

**Synopsis:** Broadband over power lines. Allows the utility regulatory commission (IURC) to authorize certain incentives for an electric utility that deploys a broadband over power lines (BPL) system, with respect to that part of the system that is used and useful in providing electric utility service to customers. Requires the electric utility to record and account for its capital investment and operating expenses reasonably incurred to support: (1) electric utility applications; and (2) other BPL services; used or consumed by the utility. Provides that a BPL system must comply with federal laws and regulations protecting licensed spectrum users from interference by BPL systems. Provides that the IURC may condition the granting or continuation of any incentive on the BPL system's compliance with applicable federal law.

**Effective:** Upon passage.

---

---

**Koch**

---

---

January 8, 2007, read first time and referred to Committee on Commerce, Energy and Utilities.

---

---

C  
o  
p  
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-1-37 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3       PASSAGE]:

4       **Chapter 37. Broadband Over Power Lines**

5       **Sec. 1. This chapter applies to an electric utility that:**

6           (1) **owns or operates a broadband over power lines system on**  
7           **the electric utility's electric delivery system;**

8           (2) **allows:**

9               **(B) an affiliate; or**

10              **(C) an unaffiliated entity;**

11           **to own or operate a broadband over power lines system on the**  
12           **electric utility's electric delivery system; or**

13           (3) **invests in or otherwise permits the installation of a**  
14           **broadband over power lines system on the electric utility's**  
15           **electric delivery system.**

16       **Sec. 2. As used in this chapter, "affiliate", with respect to an**  
17       **electric utility, has the meaning set forth in IC 23-1-43-1.**

2007

IN 1068—LS 6630/DI 101+



C  
o  
p  
y

1        **Sec. 3.** As used in this chapter, "broadband over power lines",  
 2        or "BPL", means the provision of broadband service over electric  
 3        power lines and related facilities, whether above ground or in  
 4        underground conduit.

5        **Sec. 4.** As used in this chapter, "broadband over power lines  
 6        system", or "BPL system", means the materials, equipment, and  
 7        other facilities installed on an electric utility's electric delivery  
 8        system to facilitate the provision of broadband over power lines.

9        **Sec. 5.** As used in this chapter, "broadband service" has the  
 10       meaning set forth in IC 8-1-2.6-1.3(a).

11       **Sec. 6.** As used in this chapter, "commission" refers to the  
 12       Indiana utility regulatory commission created by IC 8-1-1-2.

13       **Sec. 7.** As used in this chapter, "electric utility" refers to any of  
 14       the following:

- 15        (1) A public utility that furnishes retail electric service to the  
 16        public.
- 17        (2) A corporation organized under IC 8-1-13.
- 18        (3) A corporation organized under IC 23-17-1 that:  
 19        (A) is an electric cooperative; and  
 20        (B) has at least one (1) member that is a corporation  
 21        organized under IC 8-1-13.

22       **Sec. 8.** An electric utility described in section 1 of this chapter  
 23       shall record and account for the electric utility's capital investment  
 24       and the operating expenses reasonably incurred to directly  
 25       support:

- 26        (1) the electric utility applications; and
- 27        (2) all other BPL services;  
 28       used or consumed by the electric utility.

29       **Sec. 9.** Subject to section 11 of this chapter, upon application by  
 30       an electric utility, the commission may authorize incentives for the  
 31       electric utility's deployment of a BPL system, through any of the  
 32       methods described in section 1 of this chapter, over the electric  
 33       utility's electric delivery system. Incentives authorized by the  
 34       commission under this section may include one (1) or more of the  
 35       following:

- 36        (1) Cost recovery through a separate tracking mechanism of  
 37        the electric utility's expenditures related to that part of the  
 38        BPL system used and useful in providing electric utility  
 39        service to customers.
- 40        (2) An enhanced return on equity on the capital portion of the  
 41        electric utility's expenditures with respect to that part of the  
 42        BPL system used and useful in providing electric utility

**C**  
**O**  
**P**  
**Y**



service to customers.

(3) Deferral for subsequent recovery in a subsequent general rate case, with reasonable carrying costs, of the electric utility's expenditures with respect to that part of the BPL system used and useful in providing electric utility service to customers.

Sec. 10. (a) This section applies to an electric utility described in section 1(2) of this chapter.

(b) In connection with an application for incentives submitted under section 9 of this chapter, an electric utility may request an expedited determination by the commission of the reasonableness of the allocation of costs between:

(1) the electric utility; and

(2) the:

(A) affiliate; or

(B) unaffiliated entity;

that owns or operates the BPL system.

Sec. 11. (a) This section applies to a BPL system that is deployed by an electric utility, through any of the methods described in section 1 of this chapter, over the electric utility's electric delivery system.

(b) A BPL system described in this section shall operate on an unprotected, noninterference basis in accordance with 47 CFR 15.5. If the operation of the BPL system causes harmful interference (as defined in 47 CFR 15.3(m)) to authorized or licensed users of the radio spectrum, the operator of the BPL system shall cease operating the BPL system upon notification by the Federal Communications Commission of the interference. Operation shall not resume until the condition causing the harmful interference is corrected. The BPL system shall comply with all other:

(1) applicable provisions of Part 15 of the Federal Communications Commission's regulations; and

(2) applicable federal laws and regulations protecting licensed spectrum users from interference by BPL systems.

(c) The commission may condition the granting or continuation of any incentive authorized by section 9 of this chapter on a BPL system's compliance with the requirements set forth in subsection (b).

SECTION 2. An emergency is declared for this act.

C  
o  
p  
y

